

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NGM INSURANCE COMPANY,

Plaintiff,

-against-

BLAKELY PUMPING, INC. d/b/a ASSENTIAL PUMPING,
BRIAN J. BLAKELY, PETER J. SLINGERLAND, NANCY
SLINGERLAND and PROGRESSIVE CASUALTY
INSURANCE COMPANY,

Defendants.
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ANSWER

Docket No. 07-CV-6517

HON. JUDGE ROBINSON

The defendants, PETER J. SLINGERLAND and NANCY SLINGERLAND, by their attorneys, GOLDSTEIN & METZGER, LLP, answering the Complaint of the plaintiff, respectfully allege as follows:

JURISDICTION AND VENUE

_____ 1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "1" of the Complaint.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "2" of the Complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "3" of the Complaint.

_____ 4. Admits the allegations contained in paragraph "4" of the Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "7" of the Complaint.

8. Admits the allegations contained in paragraph “8” of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “9” of the Complaint.

FACTS

_____10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “10” of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “11” of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “12” of the Complaint.

13. Admits the allegations contained in paragraph “13” of the Complaint.

14. Admits the allegations contained in paragraph “14” of the Complaint.

15. Denies the allegations contained in paragraph “15” of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth regarding the issuance of NGM and Progressive’s respective policies, but admits the truth of the remainder of the allegations contained in paragraph “16” of the Complaint.

17. Admits the allegations contained in paragraph “17” of the Complaint.

18. Denies the allegations contained in paragraph “18” of the Complaint.

19. Admits the allegations contained in paragraph “19” of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “20” of the Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “21” of the Complaint.

22. Admits the allegations contained in paragraph “22” of the Complaint.

23. Admits the allegations contained in paragraph “23” of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph “24” of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the Complaint.

26. Admits the allegations contained in paragraph “26” of the Complaint.

27. Denies the allegations contained in paragraph “27” of the Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “28” of the Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “29” of the Complaint.

30. Denies the allegations contained in paragraph “30” of the Complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “31” of the Complaint.

AS AND FOR A FIRST CAUSE OF ACTION

32. With respect to the allegations set forth in paragraph “32” of the Complaint, defendants, Slingerland, repeat and reallege each and every response to paragraphs “1” through “31” of the Complaint, as if fully set forth herein.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “33” of the Complaint.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “34” of the Complaint.

35. Denies the allegations contained in paragraph “35” of the Complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “36” of the Complaint.

AS AND FOR AN AFFIRMATIVE DEFENSE

37. Any disclaimer of coverage made by plaintiff is untimely, and fails to properly specify the grounds of the disclaimer, and is therefore ineffectual.

PRAYER FOR RELIEF

WHEREFORE, defendants, Peter J. Slingerland and Nancy Slingerland, pray for entry of judgment against plaintiff, for the following:

1. Dismissing the Complaint and causes of action, together with attorneys' fees, costs, and disbursements;
2. Declaring plaintiff is obligated to indemnify Blakely Pumping, Inc. d/b/a Assential Pumping, in the accident of November 3, 2005; and
3. Such other and further relief as this Court deems just and proper, together with the costs, disbursements of this action, and attorneys' fees.

Dated: Poughkeepsie, New York
August 16, 2007

GOLDSTEIN & METZGER, LLP
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